

Docket No.: 58799-110



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
Tetsuya SAWAHATA, et al.	:	Confirmation Number: 9363
Application No.: 10/815,817	:	Group Art Unit: 2881
Filed: April 02, 2004	:	Allowed: September 28, 2004
	:	Examiner: Bernard Souw
For: SCANNING ELECTRON MICROSCOPE AND SAMPLE OBSERVATION METHOD USING THE SAME	:	

**COMMENTS RESPONSIVE TO STATEMENT OF  
REASONS FOR ALLOWANCE.  
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The September 28, 2004 Notice of Allowability regarding the above-identified application included a Statement of Reasons for Allowance. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicants in the stated reasoning.

The Statement paraphrases the last paragraph of each allowed claim and alleges that the paraphrased language is neither anticipated nor obvious. The language of the allowed claims is already of record in the case and is adequately clear. Since the claims are clear and patentable (novel and unobvious) paraphrasing may cause confusion, particularly to the extent if any that the wording in the Statement may differ from the proper interpretation of the actual language of allowed claims 14-16.

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Also, claims have been allowed in the first action on the merits, without any rejection in this case. It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and broadest range of equivalents that are appropriate in light of the language of the claims and the supporting disclosure, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Date: December 28, 2004**